

Newton Board of Aldermen

President's Report January 2, 2007

Introduction.

Colleagues in government and fellow citizens:

I am honored to offer to you my third Annual Report as President of the Newton Board of Aldermen. What I am about to say is not news to the members of the Board or many of our guests, but many Newton citizens who watch these proceedings may not fully understand the important role the Board plays in City Government and the many actions we take that affect the quality of life in Newton. Therefore, the purpose of this Report is to:

- inform citizens about the Board's role and describe some of what the Board has done in the last year;
- highlight issues which the Board of Aldermen will take up this coming year; and
- acknowledge some of the many valued colleagues in City government who help the Board do its work.

1. Background on the Newton Board of Aldermen.

While the Mayor is the Chief Executive of the City, it is worth remembering that the City Charter provides that "...Except as otherwise provided by law or the Charter, all powers of the City shall be vested in the Board of Aldermen...." The Board President also serves as Acting Mayor when the Mayor is unavailable.

So how has the Board exercised its powers during the last year? I will outline that in a moment, but first I want to acknowledge the work of my colleagues in the Board leadership and staff.

a. The Vice-President.

The Vice-President serves in the absence of the President, but also does other things. For example, Vice-President **Amy Sangiolo** has worked on enhancing the aldermanic web site and the availability of key documents on line including documents related to Newton North High School; helped organize holiday and other Board events; ably presided over the Board meetings when the President served as Acting Mayor; been the principal liaison with the staff of the Clerk of the Board, and served as chair of the special High School Design Advisory Committee, which provided a forum for communication and input regarding the school prior to any formal requests for action by the Board with respect to the site plan or funding for the new high school.

b. The President Emeritus.

The President Emeritus presides when the Vice-President is unavailable, and also undertakes other tasks, which the President may request. For example, during the last year President Emeritus **Verne Vance** chaired the Long Range Planning Committee.

c. Clerk of the Board and Board staff.

Our able City Comptroller, **David Wilkinson**, and our new Clerk of the Board and City Clerk, **David Olson**, and his able colleagues on the staff have also been critical to the effective functioning of the Board. Mr. Olson has already realized the promise we hoped for him and more, and I want to take this opportunity to extend to him our thanks, as well as **Alderman Marcia Johnson**, who chaired the Search Committee that brought him to us. I also want to acknowledge those members of the staff of the Clerk of the Board: **Linda Finucane, Gino Lucchetti, Rosalie Myers, Christine Owen** and **Shawna Sullivan**. Together these individuals are responsible for so much of what we do in helping communicate with colleagues and the public on behalf of the Board, assembling the docket, agendas and reports of items for the Board to consider, conducting archival research, preparing the board orders and revised or new ordinances that result from Board action, and staffing the various Board Committees. While **Rosalie Myers** is retiring from full time service, we are grateful that she is willing to stay on in a part-time capacity.

While the Clerk's staff and the Board officers serve the Board as a whole, the Board does most of its work divided into nine standing and occasional special committees, all appointed by the President at the beginning of the new term. The public may be unaware of much of the work of these committees because most of their recommendations are adopted without debate at the first call of Committee Reports at the beginning of each Board meeting. Before I outline the specific work of these committees and their leadership and staff, who organize their work and prepare their reports, it is important to note that these Committees and the Board disposed of over 474 docket items in the last year. These included:

- approval of over one hundred Mayoral and Aldermanic appointments of citizen volunteers to various advisory and regulatory Boards and Commissions; and
- approval of over \$295,606,734 in requested appropriations either as part of the Mayor's budget as presented or as separate items, including appropriations for initial design and construction management work on a new Newton North High School.

Also, because it involves so many different committees and Board process, I should report the remarkable effort members of the Board put into reviewing issues surrounding a new high school since that has occupied so much of our time this year.

As the Massachusetts Constitution requires legislatures to "cherish...public schools in the towns", the Board took that obligation to heart, committing many committee meetings, as well as

over six meetings of the full Board itself, sitting as a Committee of the Whole, including an unusual appearance by Katherine Craven, Executive Director of the Massachusetts School Building Assistance, just two weeks ago. This aldermanic process was independent of the scores of meetings with architects, traffic and environmental engineers, school officials, teachers, citizens, parents, students, area residents, and the Design Review Committee, which recommended the new Newton North High School site plan ultimately approved by two-thirds of the Board. Whatever your view of the outcome, in my experience no project in Newton has received a more comprehensive review, and the Board Order, which itself was subject to extensive committee and Board process, with a number of conditions and requests for further study, includes flexibility for further enhancements. On January 23, voters will have the chance to say whether they agree with the Board's decision. However individual Board members may have voted on the high school site plan, the Board as a whole can take collective pride in the both the depth and dispatch with which the high school issue was considered and voted by the Board, once the design and construction management funding and site plan came before it, especially since we have been advised that construction costs can escalate with delay. We also heard from Mr. Pooler and the Mayor earlier this year on how they anticipate the high school will be financed, and we will be eager to hear of any update of that plan, and as soon as it is available.

With this background, let me introduce the work of the Board's Committees in the order in which they make reports to the Full Board under our Rules.

3. The Committees of the Board and their work.

First is the **Land Use Committee**, which makes recommendations on zoning special permits for new land development. The Committee Chairman is **George Mansfield** and the Vice-Chairman is **Mitch Fischman**.

Last year the Committee dealt with over 21 special permits relating to the use, development and reconstruction of private property in the City, including the Kessler Woods property on LaGrange Street, which required a site specific zone change from Single Residence 3 to Multi-Residence 3 to allow a 62 unit condominium complex. The Land Use Committee also dealt with many other residential and commercial projects, including the first rear lot subdivision under the 2004 Ordinance amendment, extensions of structures that do not conform to current zoning rules, permits for wireless communications, freestanding signs, and grade changes of more than three feet on a site, amended site plans and waivers of parking requirements.

In the coming year, we expect a number of major projects to be presented to the Committee for its review and deliberation, including the mixed-use proposal for Chestnut Hill Square on Route Nine.

The Land Use Committee is staffed principally by Chief Committee Clerk **Linda Finucane**, Associate City Solicitor **Ouida Young**, and Planning Director **Michael Kruse** and Chief Planner **Nancy Radzevich**, together with their staff planners assigned to a specific matter, as well as the City Engineer **Lou Taverna** and Associate City Engineer **John Daghlian**.

Next is the Zoning and Planning Committee, which oversees the Planning and Development Department, the Inspectional Services Department, and the Commissions

associated with these Departments and reviews legislation amending the Zoning Ordinance, Historic Preservation and related topics. Alderman **Brian Yates** is the Chairman and Alderman **Cheryl Lappin** is the Vice-Chairman.

After concerns expressed by citizens, lawyers, and architects as well as city officials about some provisions of the Zoning Ordinance, the Committee asked the Inspectional Services Commissioner to list the provisions of the ordinance that were most unclear, ambiguous, or otherwise most difficult to work with. The Chair appointed a Task Force Chaired by Alderman **Ted Hess-Mahan** to review these areas and recommend changes. The Task Force is comprised of architects, developers, builders, neighborhood activists, housing affordability advocates, land use attorneys, realtors, historic preservationists, planners and both current and former Aldermen. Its report is expected in 2007.

The Committee also extensively reviewed and finally recommended for adoption a Zoning Amendment allowing greater density by special permit on Sites Zoned Multi-Residence 3 of at least ten acres. The Committee also approved two Zoning Amendments to make the Angino Community Farm and its proposed farm stand both legal and feasible.

In its oversight of the Newton Historical Commission, the Committee found that the number of meetings between the full Commission and the Historic District Commissions, which require NHC representation, was an undue burden on a few people. The Committee therefore recommended that the District Commission Ordinance be amended to allow associate members of the NHC to serve as full members of the District Commissions to spread the burden. The Committee also voted to amend the Landmark Ordinance to allow more properties to become eligible for landmarking if they met the Historical Significance criteria. In addition, the Committee began the process of amending the Demolition Delay Ordinance to allow owners of properties that were fifty years old or more but of no historical significance to have their applications approved by staff without a time-consuming and pointless visit to the Commission with its extremely lengthy agendas and long meetings. This work will continue in 2007.

After several years of work, the Comprehensive Plan Advisory Committee chaired by **Philip Herr**, whose leadership I want to acknowledge, and including several Aldermen, submitted a draft Comprehensive Plan to the Mayor. He then submitted it to the Board of Aldermen where it was assigned to the Zoning and Planning Committee. In accordance with the City Charter, it was referred to the Planning and Development Board for a first review. In 2007, after the Plan is returned with a recommendation of the Planning Board, the Zoning and Planning Committee will hold a public hearing on the Plan and refer it to the full Board for possible adoption (with or without amendments.)

As was noted above, the ZAP Committee will take up the recommendations of the Zoning Task Force, possible amendments to the Demolition Delay Ordinance and the draft Comprehensive Plan. In addition, the recommendations of the Newton Centre Task Force, on which Ward 6 Committee Member Alderman **Vicki Danberg** serves, are expected to be sent to the Zoning and Planning Committee.

The Committee is principally staffed by **Linda Finucane** of the Clerk's office, Assistant City Solicitor **Marie Lawlor**, as well as **Juris Alksnitis** of the Planning Department, with help from **Martha Horn**, Conservation Planner, on conservation issues and **Lara Kritzer**, Preservation Planner, on historic district issues. Planning Director **Michael Kruse** and Inspectional Services Commissioner **John Lojek** also join the Committee for budgetary discussions and other matters.

The **Programs and Services Committee** looks after the Schools, our Parks, and our Library, as well as our Aldermanic Rules and staff. The Chairman is **Marcia Johnson** and the Vice-Chairman **Ted Hess-Mahan**.

Last year the Committee worked extensively on the request of two citizens to investigate the manner in which the City of Newton responded to a request by law enforcement authorities for assistance at the main library, which generated extensive and conflicting media reports. In addition, the Committee discussed and held a public hearing to determine whether to put a question recommending revocation of the Community Preservation Act on the ballot and ultimately decided, along with other committees with parallel jurisdiction, not to do so, though an advisory question on the direction of the CPA may be requested in the future. The Committee also shaped a Resolution condemning the genocide taking place in Darfur, a copy of which was ultimately placed in the Congressional Record. The Committee then drafted an Ordinance, which was subsequently adopted by the Board, to assure divestiture of City of Newton funds from companies aiding and abetting the genocide in Darfur. The Committee also sent a letter to the Mayor endorsing a proposal that would bring free Wireless Internet access to city agencies as well as free and fee for service to Newton residents and visitors. The Committee has approved scores of appointments to many of the Boards and Commissions in the City. The Programs and Service Committee also developed legislation to expand the senior citizen property tax program that allows low-income seniors to defer some or all of their property taxes, helping them to be able to afford to stay in the City. Finally, it met twice to review proposals for paying for architectural design and construction management fees for a new Newton North High School.

In the coming year, the Committee anticipates working on whether to recommend local voting rights for permanent resident aliens, whether the Board of Aldermen itself should be reduced in size, the possibility of establishing off-leash dog parks, further funding of a new Newton North High School, as well as work with the Post Audit Committee to clarify the process for validating signatures on citizen petitions filed with the staff of the Election Commission.

The Programs and Services Committee is staffed by **Rosalie Myers** of the Clerk's Office, and most often, by Associate City Solicitor **Gayle Smalley**.

Next is the **Public Safety and Transportation Committee**, which oversees the Police and Fire Departments as well as traffic and parking ordinances. The Public Safety Committee Chairman is **Christine Samuelson** and its Vice-Chairman is **Jay Harney**.

Last year the Committee made recommendations on specific parking and traffic restrictions not otherwise disposed of by the Traffic Council. The Committee also recommended the next phase of school zone development, developed a traffic management policy to be used as

one of the tools to be considered in prioritizing the use of traffic calming measures at specific intersections. In addition, the Committee approved appropriations for a new pay station at the Cypress Street Municipal Lot, and drafted a new ordinance on parking meter rates that includes long-term rates. The Committee also acted on funding for fire station repairs and new equipment for the Fire Department, specific traffic-calming measures on Fuller Street, a new crosswalk policy, several intersection redesigns, as well as reviewed the street classification system.

During the next year, the Committee anticipates looking into school-related parking during the construction phase of the Newton North project, traffic/pedestrian conflicts and congestion in Newton Corner in the immediate vicinity of the exits/entrances to the Mass Pike, improvements for each fire station within the city and establishment of a citywide policy regarding curb use priorities.

The Public Safety Committee Chairman also sits on the Newton Traffic Council, which makes recommendations to the Board about parking and traffic controls in the City. The Council has approved several neighborhood traffic improvements, and developed additional metered parking for long-term parking. In the future, it is likely to examine more issues relating to parking restrictions, handicapped spaces, stop signs, and speed limits. Also, in 2007 the Committee will be considering possible ordinance changes that would strengthen the authority of the Traffic Council with respect to site-specific parking and traffic restrictions, while retaining ultimate authority over such restrictions within the Board of Aldermen.

The Public Safety Committee is staffed by **Christine Owen** of the Clerk's Office, but also by **Clint Schuckel**, the City Traffic Engineer, **David Koses**, Transportation Planner, with help from **Gayle Smalley** and **Catherine Farrell** of the Law Department, and Officer **Paul Bianchi** and Officer **Dawn Hough** of the Police Department. The Traffic Council also involves Chairman **Candace Havens**, whose dedication I want to acknowledge, and Sergeant **James Norcross** of the Police Department. The Council has been ably staffed by **Rosalie Myers** of the Clerk's Office.

The **Public Facilities Committee** is involved in roads, trash collection, snow plowing, water & sewer service, utility lines, and public buildings, including new or renovated schools. The Chairman of the Public Facilities Committee is **Sydra Schnipper** and the Vice-chairman, **Anthony Salvucci**.

This Committee held two nights of public hearings, and three more meetings to review and approve the site plan for the new Newton North High School recommended by the Design Review Committee. The Committee also reviewed over 25 grants of location for public utilities, street and utility reconstruction, including laying out, grading and acceptance as a public way of Belmore Park and a portion of Silver Lake Avenue. Public Facilities heard reports and discussed the progress of the commissioning of the Newton South High School HVAC system. It also approved appointments to the re-established Solid Waste Commission, which will work on the new trash collection contract over the next year. The Committee had several discussions and presentations regarding the benefits of hiring energy service companies for possible energy and cost savings within City buildings. Just recently, the Committee approved the replacement of our streetlights with much more efficient high-pressure sodium lights.

In the next year, the Committee anticipates further work on the construction of a new Newton North High School, proposed modular classrooms at elementary schools and improving energy conservation within City buildings.

The Committee is staffed by **Shawna Sullivan** of the Clerk's Office, and supported in much of its work by Building Commissioner **Nicholas Parnell**, Public Works Commissioner **Robert Rooney**, City Engineer **Lou Taverna** and **Gayle Smalley** of the Newton Law Department.

Next is the **Finance Committee**, which determines if and how we can pay for it all. The Finance Committee's Chairman is **Paul Coletti** and its Vice-chairman is **Scott Lennon**.

The Committee oversees a City budget of over a quarter of a billion dollars, more than half of which is allocated to the Newton Schools, and most of which is paid by taxes on residential property. While only the Mayor can ask for an appropriation, nothing can be spent without the Board's approval. The Board's rules provide that all but small items are reviewed by the Committee with jurisdiction over a matter and then by the Finance Committee to put the various pieces together. In the interests of time, I have not included each of the budget reviews by each of the substantive Committees, but they go on regularly throughout the year for supplemental appropriations as well as when the Mayor presents his complete budget to the Board for action in the spring. Essential to this work are the City's department heads and the School Superintendent who regularly appear before the Board Committees to explain their requests and address other matters from time to time. We appreciate all their input even if time does not permit them all to be specifically recognized tonight.

The Chairman of the Finance Committee by tradition presides over the budget review process in which the Board offers amendments and resolutions regarding the City's annual spending plan before voting on that plan. For example, this year the Board unanimously passed a resolution requesting that the Mayor restore the 37.7% cut that he had made to preventive maintenance of City buildings. I am pleased to report that the Mayor complied with the Board's request. The Finance Committee Chair also presides over the public hearing and Committee of the Whole discussion of setting the relative share of property taxes to be paid each year by residential and commercial or industrial property. Last year the Board voted to set fiscal 2006 tax rates at \$9.33/\$1,000 of assessed valuation for residential property and \$17.64/\$1,000 for commercial/industrial properties.

In total, this year, the Board, with the Finance Committee's recommendation, approved appropriations or funding for \$295,606,734. The Board also, through its various Committees, and ultimately through the Finance Committee, reviewed and made recommendations to the Executive Department's \$179,120,279 capital improvement program for the five-year period 2007-2011. The Committee, meeting jointly with Programs and Services, also approved design and construction management fees for the new Newton North High School.

In order to further improve the governance of the City, a standing audit sub-committee of the Finance Committee was established during 2006, chaired by Alderman **Scott Lennon**, with

the active assistance of Alderman **Coletti**. The purpose of the Audit Sub-committee is to oversee the annual financial audit and to work with the Comptroller and department heads in the implementation of recommended improvements in financial management policies and procedures. The Audit Sub-committee met with the City's independent financial auditors several times during 2006 in order to provide guidance and to receive recommendations for ongoing improvements in the financial management of the City. The Audit Sub-committee is also working with the City Comptroller on a project to formally document the City's internal controls and Comptroller's Office policies and procedures.

In the upcoming year, the Finance Committee will continue this work, including funding of upcoming Community Preservation Projects, for Newton North High School, and of course, the annual budget and Capital Improvement Plan.

The Finance Committee is staffed by **Christine Owen** of the Clerk's Office and our able City Comptroller, **David Wilkinson**, as well as aided by **Elizabeth Dromey** of the Assessing Department, Chief Administrative Officer **Sandy Pooler** and Chief Budget Officer **Susan Burstein**, who meet regularly with this and other Committees on behalf of the Mayor on financial and other issues.

The **Real Property Reuse Committee**, which reviews sale or lease of City property. Its Chairman is **Richard Lipof**; and its Vice-chairman is **Leonard Gentile**.

Last year the Committee worked with the Committee on Community Preservation to approve an amendment to the ordinances requiring that any sale of city-owned real property for which community preservation funds have been used to rehabilitate or restore historic resources is bound by a perpetual historic preservation restriction. The Committee also renewed a lease for a surplus property to be used for part of the Whole Foods Market parking lot at 916 Walnut Street and approved the modified two deed restrictions for 130 Rumford Avenue by reducing the 50-foot buffer zone by 30% to allow for a decorative roof feature at an office building entrance. Next year it will conclude discussions on a land swap near the MBTA in Chestnut Hill. The Committee is staffed by **Linda Finucane** of the Clerk's Office, Planning Director **Michael Kruse** and **Eileen McGettigan** of the Law Department.

The **Post Audit and Oversight Committee** looks back to see if what has been promised has in fact been achieved. Its Chairman is **Carleton Merrill**; Vice-chairman, **Susan Albright**, and is staffed by **Shawna Sullivan** of the Clerk's Office.

This year the Committee discussed a report from the Commissioner of Public Buildings regarding why limited progress has been made on the implementation of the construction project database approved by the Board of Aldermen on April 20, 2004 and a report from Police Department and Department of Public Works on notices of violations issued for failure to remove snow and ice from sidewalks in certain districts and placing snow and ice upon streets, sidewalks and bridges. The Committee also received regular updates on the status of implementation of speed zone and truck exclusion ordinances adopted by the Board of Aldermen, and will be working with the Programs and Services Committee on strengthening our signature validation procedures in the Elections office.

The **Committee on Community Preservation**, chaired by **Stephen Linsky** and Vice-Chairman **Kenneth Parker**, reviews applications for expenditure of CPA funds. Each year, the City's 1% property tax surcharge generates approximately \$2 million, which has been matched each year by an equal amount from the state, allowing the City to have some \$4 million available to use for acquisition of open space, preservation of historical assets, and creation of affordable housing and recreational uses. This year, the Committee recommended and the Board approved a number of innovative applications: Covenant Residences on Commonwealth Avenue, a downsized affordable housing project which earned neighborhood as well as community support; Bowen Park, which preserves the park's infrastructure while enhancing its features through a public/private partnership including private financial and in-kind donations, and the new Accessory Apartment Incentive Program, offering grants and loans to Newton residents seeking to develop affordable accessory apartments in their homes, are but three such examples. 2006 also witnessed the Committee's increasing emphasis on project management as an integral part of its overall oversight of the CPA program, including, but not limited to, the Planning Dept.'s recent re-structuring to provide better resources to project management and the CPC's revision in the way it prioritizes project recommendations.

In addition, the **Special Committee on Long Range Planning** looks at how the Board can improve its efficiency and effectiveness. Its Chairman is President Emeritus **Verne Vance** and Vice-Chairman, **Vicki Danberg**. This Committee was instrumental in working with the Mayor's Office and the City Comptroller to develop a long-range financial forecast for the City. Following up on that discussion, Alderman Vance and I met regularly with Sandy Pooler, David Wilkinson, and Sandy Guryan of the School Department to work over a framework for a long-range forecast, which would enable both historical data and projections to be compiled in the same document. The Committee was also instrumental, building on an initiative offered by members of the Committee, in the Mayor and the Board President appointing a Blue Ribbon Commission of eleven citizens to analyze the City's long-range financial situation and make recommendations for addressing the issues involved. More than half of those members came from suggestions by members of this Board and we are eager to hear the results of their work.

Finally, last year I appointed citizens from among those recommended by Aldermen to form a special Committee to study allowing dogs off leash in some City lands. Ably chaired by Aldermen **Albright** and **Fischman**, it has issued a preliminary report and expects to make a final report later this year.

I would be remiss if I did not also acknowledge the important assistance and active participation of two of our newest members of the Board, Aldermen **Leslie Burg** and **Ben Weisbuch**, who have added much to the work of the Board during this past year.

4. Some things to come.

During the next year, I hope that we can continue to work to spend more of our limited time on the major issues before the city and less time on the minor ones. For example, last term we changed our rules so not to require all reappointees to various boards and commissions to come in for a meeting with the relevant committee prior to the Board voting for their continued service. The Finance Committee has also worked with the Comptroller to allow small items to be taken up swiftly and to have Board orders prepared in advance of its meetings. That has saved time we can use to good effect in other ways.

Here are some initiatives members of the Board have work on during the 2006-2007 term in order to build on the foundation we have already begun during this last term:

- Working with the staff of the Board and the Mayor's office to make sure that once decisions are made, appropriate follow up occurs.
- Making our aldermanic work more visible and transparent to the public through greater use of the web and other technologies, including community television, as well as outreach through neighborhood organizations. For example, Mr. Olson has made sure that the Mayor's Newton Community News reports the work of the Board of Aldermen as well as activities of the Executive Department and City agencies.
- Working to expand and update the Board of Aldermen Website. Mr. Olson and his colleagues on the Staff of the Clerk of the Board of Aldermen, as well as Aldermen **Amy Sangiolo** and **Susan Albright**, together with the City's Information Technology Department have been working on this project. Newton Resident **David DaJean** has volunteered his time to undertake the programming necessary to make the changes happen. In the coming months residents will see a redesigned web site which should make it easier to find information. A new calendar feature and a better search engine will make the site more user friendly.
- Recodification of the City's Ordinances. The Clerk's Office is also currently working with the Law Department and Aldermen **Sangiolo** and **Vance** on this project. This process, undertaken every five years, will result in a revised set of Ordinances that incorporates all of the Ordinance changes that the Board of Aldermen has made over the last five years. This new document will be available both in print and on-line within the next few weeks and be much easier to search to find the right provision when you need it.
- Looking at ways the Board can be an effective partner with the Executive Department in the budget process to assure wise use of public funds. For example, getting all the streetlights in the City to work will involve coordination and a joint effort.
- Undertaking important policy initiatives, such as updating our zoning ordinances.
- Responding to the results of the January 23 referendum on the site plan for the new high school.

This list is not exhaustive, and we welcome other ideas for making the Board of Aldermen more efficient and effective to serve the citizens of Newton.

Thank you

Respectfully submitted,
R. Lisle Baker, President